

July 9, 2009

TO: Teresa Parsons, Supervisor
Director's Review Program

FROM: Meredith Huff, SPHR
Director's Investigator

RE: Javaud Rasaie v. Department of Transportation (DOT)
Allocation Review ALLO 08-086

Director's Review Conference

Mr. Javaud Rasaie requested a Director's Review of his position's allocation by submitting a Request for Director's Review received November 17, 2008. On May 14, 2009, I conducted a Director's review conference by phone. Present by phone were Mr. Rasaie, employee, and Ms. Niki Pavlicek, Classification and Compensation Manager, representing DOT. During the review conference, it was agreed that the review period for Mr. Rasaie's position is six months prior to September 2, 2008 in accordance with the collective bargaining agreement.

Director's Determination

The Director's review of DOT's allocation determination of Mr. Rasaie's position is complete. As the Director's investigator, I have carefully reviewed all of the file documentation, classifications and the information provided during the review conference. I conclude that on a best fit of his overall duties and responsibilities, Mr. Rasaie's position is properly allocated to the class of Transportation Technician 2.

Background

Mr. Javaud Rasaie works in the Northwest Region, Sno-King Construction at Overlake. On September 2, 2008, Mr. Rasaie submitted to the DOT NW Region Human Resources office a Classification Position Description (CPD) for his position, #11365. Mr. Rasaie believes his position should be reallocated from the Transportation Technician 2 to Transportation Technician 3 classification. (Exhibit B-2)

By letter dated October 17, 2008, Ms. Pavlicek notified Mr. Rasaie that his position was properly allocated as a Transportation Technician 2 and denied his request for

reallocation to Transportation Technician 3. (Exhibit B-2) On November 17, 2008, Mr. Rasaie submitted a Director's Review Request Form. (Exhibit A-1)

Summary of Mr. Rasaie's comments

Mr. Rasaie indicated he performs survey and inspection duties in a construction office. As examples of his inspection work, he indicated that he inspects the rumble strip projects, restripping, and facial panels. He stated that from March to September 2008, he was working on surveys for right of ways. He noted that for one week he worked on the Hood Canal Bridge pontoons, setting level and location to check for movement. When Mr. Buster, the lead person, was not available, Mr. Rasaie asserted that he filled in as the assistant party chief and was responsible for survey party operations. He indicated that he was doing survey lead work each time he went out; he had the levels to run or the total station. He noted that Mr. Buster was the prism operator.

Mr. Rasaie confirmed that Mr. Bob Buster was his lead person for four years prior to May, 2008. Since then, he has reported directly to Mr. Karami. He noted that when work is slow in his assigned office, staff are loaned to other offices to provide assistance. He worked on-loan to Ms. Janice Fahning, E3 Project Engineer, at Everett from mid-June to mid-July, 2008. He worked with Mike Coleman, E3 Chief Inspector, in August 2008. Mr. Rasaie noted that he provides job survey training to personnel when requested. He noted that at Bellevue he had trained Tim Stetcher (TT3) and Ernie Rosengren (TE2) on how to operate and calculate level. He trained Jack Holiday (TE2) on total station and all the equipment.

Mr. Rasaie stated that he felt Mr. Walter's e-mail comments about his training during his work in Ms. Fahning's office are a misunderstanding. He indicated that Ms. Fahning's office has Robotics, a one-man survey crew tool. This was new technology to him as Bellevue did not have Robotics. He confirmed that he received training for a short time in the field on how to use this new survey technology.

Mr. Rasaie noted that he reviews contractors' completed work by viewing it by computer, maps and in Caice (computer program). He does the calculations and then compares with the contractor's work and double checks for accuracy. He notes any problems and reports them to the Engineer 3 who contacts the contractor. Mr. Rasaie reported that his careful review allowed him to discover that a state monument was at an incorrect elevation and a contractor had placed a planter incorrectly in a roadway.

Mr. Rasaie provided an example of his problem solving as directly contacting the vendors for support to solve technical issues when the total station, or GPS system and data collector are not working. He also noted that he seldom contacts vendors as he individually does research to resolve problems. He stated he exercises initiative and judgement in independently carrying out assignments and resolving problems such as when something is in the way of doing his survey work, he figures out how to get around it. He also is aware of safety issues and encourages his co-workers to be safe.

Mr. Rasaie indicated that he has completed some of the training that is required for an automatic promotion to TT3, however, his supervisor did not forward that information to HR. Mr. Rasaie confirmed that he feels his responsibilities are at a Transportation Technician 3 level.

Summary of DOT's comments

Ms. Pavlicek confirmed that she determined the Transportation Technician 2 is the best fit for Mr. Rasaie's overall duties and responsibilities as explained in her allocation letter of October 17, 2008. Ms. Pavlicek observed that the Collective Bargaining Agreement provides an automatic promotion to Transportation Technician 3 when specific training components are successfully completed. She noted that Mr. Rasaie has not completed the training requirements.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work accomplished, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. See Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of *best fit*. The Board referenced Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

Classified Position Description (CPD) and Classification Questionnaire (CQ)

The Personnel Resources Board has consistently held that an approved classification questionnaire becomes the basis for allocation of a position. The allocation determination is based on the overall duties and responsibilities as documented in the classification questionnaire (or similar approved document). See Lawrence v Dept. of Social and Health Services PAB No. ALLO 99-0027 (2000)

The CPD received by DOT Human Resources on September 2, 2008, was completed by Mr. Rasaie and signed by Mr. Ali Karami, immediate supervisor, and Mr. Russell East, appointing authority. However, Mr. Karami and Mr. East were not in agreement with the information Mr. Rasaie provided about his duties and responsibilities. Mr. Andy Walter, Mr. Rasaie's second level supervisor, by e-mail dated August 22, 2008 provided information about Mr. Rasaie's duties when working in other offices/locations. Mr.

Walter opposed reallocation of Mr. Rasaie's position to TT3 as information he gathered indicated Mr. Rasaie was still in a learning mode in some areas of survey work. (Exhibit B-3) Mr. Karami and Mr. East expressed their agreement with Mr. Walter's comments by making individual comments on the CPD. (Exhibit B-2) As a result of this disagreement, the CPD received by Human Resources on September 2, 2008 is not an approved position description as required by the Personnel Resources Board's findings. Following the guidance of the Board's decision in *Lawrence v DSHS*, I have relied on the Classification Questionnaire (CQ) signed in March, 2007 as the approved document describing Mr. Rasaie's position. (Exhibit B-4)

The CQ dated March 2007 lists work activities and percentage of time as follows.

80%. On a survey crew, operating prism poles and rods, learning to use total station, data collector, and other survey instruments, holding and setting targets and backsights, cutting brush, compiling survey field notes manually and with the data collector, learning to download and upload data collector to/from the computer, assisting in the computation of field notes and miscellaneous calculations for curve data, triangulations, etc. Assisting in estimates and calculation of quantities. Assisting in calibration and checking of survey instruments. Collecting survey documents and learning to calculate to check survey geometry. Communicating both verbally and in writing with persons both internal and external to the Dept of Transportation.

15% Testing materials and performing assistant inspection duties.

5% Other duties as assigned.

Mr. Ali Karami signed the CQ on March 19, 2007 as the immediate supervisor and noted the level of supervision he provides is "spot check basis only."

Transportation Technician 3 (TT3) (class code 538T) (Exhibit B-6)

Definition: "This is the skilled journey level within the Transportation Technician series."

Distinguishing Characteristics: "In the office, laboratory and/or field, incumbents perform skilled technical tasks in support of engineering projects and programs. Incumbents typically receive instructions about the work to be done including scheduling and priorities, but work with relative independence in selecting methods and resolving routine problems. Employees at this level are expected to exercise initiative and judgment in independently carrying out assignments according to established policies, procedures and standards. When solutions are not readily attainable, the employee refers the problem to the supervisor. Leadership responsibility is normally limited to on-the-job training of other technical staff. May act as crew leader on specific assignments that do not require ongoing direction from a supervisor."

The Definition indicates that this is the skilled journey level of the series. Incumbents in positions allocated to the TT3 are expected to work with relative independence in selecting methods and resolving routine problems. In addition, employees at this level are expected to exercise initiative and judgment in independently carrying out

assignments. The majority of the work performed by Mr. Rasaie is field survey work that usually is completed with an engineer. Mr. Karami noted that Mr. Rasaie has not been assigned or designated to lead survey crews or act as the assistant party chief. Mr. Walter and Mr. East noted concerns that Mr. Rasaie's skill level is still in a training or sub-journey level rather than skilled journey level. Mr. Rasaie does act independently and exercises initiative and judgment in ensuring accuracy in checking contractors' work. However, the overall skill level, scope of responsibility and level of work of Mr. Rasaie's position does not meet the levels anticipated by the Definition and Distinguishing Characteristics of the Transportation Technician 3. The Transportation Technician 3 is not the best fit for Mr. Rasaie's position.

Transportation Technician 2 (TT2) (class code 538S) (Exhibit B-5)

Definition: "This is the semi-skilled, intermediate developmental level within the Transportation Technician series."

Distinguishing Characteristics: "In addition to basic duties, incumbents perform semi-skilled technical work and receive on-the-job instruction, classroom training and self-study courses in order to develop journey level knowledge of technical engineering principles and practices. To facilitate development, incumbents perform a variety of well-defined technical support activities in the office, laboratory and/or field. Incumbents receive instructions about the work to be done, ongoing technical guidance and their work is reviewed upon completion. Independent assignments are limited to those requiring the routine application of well established standards. As employees develop, they are expected to solve a limited range of problems by referring to prior training, manuals and procedures while moderate problems are referred to superiors. Leadership of others is limited to training of beginning technical staff. Over time, incumbents grow to independently perform a broad range of semi-skilled technical duties and, under supervision, begin to perform journey level work."

Although not allocation criteria, the **Typical Work** statements provide guidance in the level of work anticipated of an incumbent allocated to this class. The following Typical Work statements are aligned with the work described on Mr. Rasaie's CQ.

"...incumbents perform the level of work described below a majority of the time. This description is ... representative of the level of responsibility and level of difficulty of the work performed by this class.

Survey

- Serves as a survey party member; operates level, chain, rods and prism poles on a variety of survey projects; learns to use transit, theodolite, EDM, total station and other survey instruments and serves as back-up instrument operator; holds and sets targets and backsights; marks and sets stakes, hubs and laths; compiles level and transit notes manually or with data collector, learns to download and upload data collector to/from computer, and reduces information into useable data using personal computer; from field notes, assists in plotting cross sections, contours, profiles and grade elevations using electronic plotter; assists in the computation of

field notes and miscellaneous calculations for curve data, triangulations, bench marks, grades, etc. ...”

Mr. Rasaie spends a majority of his work time doing survey work as a party member. He operates a variety of survey equipment in completing survey work. Mr. Karami noted that usually Mr. Rasaie works on a two-person survey team that is supervised by an Engineer 3. Mr. Rasaie also updates computer programs with survey information. He uses computer programs to check the accuracy of the work of contracted surveyors. He reports problems to his supervisor or project engineers. These assignments and responsibilities are encompassed in the Definition and Distinguishing Characteristics and supported by the Typical Work statements of the Transportation Technician 2. The Transportation Technician 2 is the best fit for the duties and responsibilities assigned to Mr. Rasaie’s position. Mr. Rasaie’s position is correctly allocated.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following: *“An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources boardNotice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.”*

Please note telephone and address changes:

On July 6, 2009, the Director’s Review Program and Personnel Resources Board Appeals Program offices relocated to the Department of Personnel building at 600 South Franklin in Olympia. The main phone number for the two programs is now **360-664-0388**. The fax number remains the same, **360-753-0139**.

All requests for Director’s Reviews and appeals to the Personnel Resources Board must be filed:

In person at:

600 South Franklin
Olympia, WA 98504-7530

OR

By mail at:

Mail Stop 40911
Olympia, WA 98504-0911

If no further action is taken, the Director’s determination becomes final.

cc: Javaud Rasaie, DOT
Niki Pavlicek, DOT
Lisa Skriletz, DOP

Enclosure: Exhibits List

Exhibits List

A. Javaud Rasaie's exhibits

1. Director's Review request November 17, 2008
2. DOT allocation determination letter, October 17, 2008
3. Email chain to/from Javaud Rasaie and Niki Pavlicek, October 2008.
4. Position Description, unsigned copy, 2008
5. Rasaie/Pavlicek email chain January 5, 2009 to March 6, 2009
6. Rasaie/Pavlicek email chain October 23, 2008 to November 19, 2008
7. Email from Mr. Rasaie disagreeing with findings of reallocation decision 10/22/08
8. Email from Bob Buster with statement of skills of Javaud Rasaie dated 10/22/08
9. Reallocation decision from Niki Pavlicek by email October 17, 2008
10. Mr. Rasaie letter to Management of Org 412332 dated July 30, 2008

B. DOT exhibits

1. DOT HR allocation determination letter dated October 17, 2008
2. General Service Classified Position Description (CPD) signed by Mr. Rasaie
3. Andy Walter, 2nd level supervisor, e-mail response to CPD dated 8/22/08
4. Classification Questionnaire dated March 2007
5. Transportation Technician 2 (class code 538S) Classification
6. Transportation Technician 3 (class code 538T) Classification
7. Local 17 Collective Bargaining Agreement Article 8 – Developmental Advancement
8. WSDOT Automatic promotion requirements for TT2 to TT3